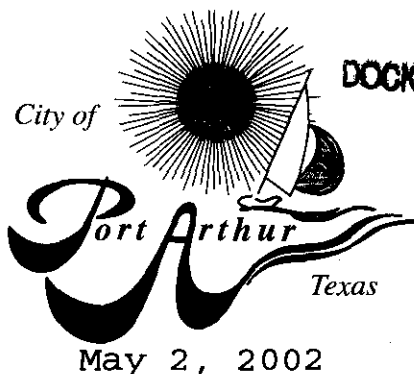
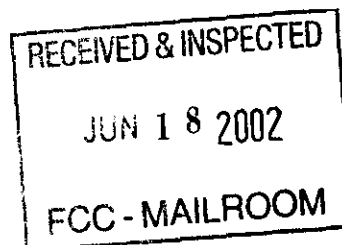


OSCAR G. ORTIZ, MAYOR  
FELIX A. BARKER, MAYOR PRO-TEM  
COUNCIL MEMBERS:  
CRAIG HANNAH  
THOMAS J. HENDERSON  
TOM GILLAM, III  
REV. RONNIE LINDEN  
BOB BOWERS  
ROSE MITCHELL CHAISSON  
ROBERT E. ALLEN



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STEPHEN FITZGIBBONS  
CITY MANAGER  
JAN STRODER  
ACTING CITY SECRETARY  
MARK T. SOKOLOW  
CITY ATTORNEY



William F. Caton  
Commission's Acting Secretary  
**OFFICE OF THE SECRETARY**  
**FEDERAL COMMUNICATIONS COMMISSION**  
445 12<sup>th</sup> Street, SW  
Washington, DC 20054

RE: CS Docket No. 02-52

Dear Mr. Caton:

The City of Port Arthur City Council adopted the attached Resolution expressing their opinion that cable internet services should be subject to the calculation in paying franchise fees. Please submit these comments to the commission.

Sincerely,

A handwritten signature in cursive script that reads 'Mark Sokolow'.

Mark T. Sokolow  
City Attorney

MTS/ts

Attachment: Original and nine copies of comments

cc: Qualex International Portals, II (2 copies)  
445 12<sup>th</sup> Street, SW  
Room CY-B402  
Washington, DC 20554

z.tei\_dc.ltr

No. of Copies rec'd 0+9  
List ABCDE

cc: Sarah Whitesell (2 copies)

**CABLE SERVICES BUREAU**

445 12<sup>th</sup> Street, SW

3-C488

Washington, DC 20554

Linda Senecal (5 copies)

**CABLE SERVICES BUREAU**

445 12<sup>th</sup> Street, SW

2-C438

Washington, DC 20554

Representative Nick Lampson

**107<sup>th</sup> UNITED STATES CONGRESS**

Room 417 Cannon House Office Building

Washington, DC 20515

Senator Kay Bailey Hutchison

**107<sup>th</sup> UNITED STATES CONGRESS**

Room 284 Russell Building

Washington, DC 20510

Senator Phil Gramm

**107<sup>th</sup> UNITED STATES CONGRESS**

Room 370 Russell Building

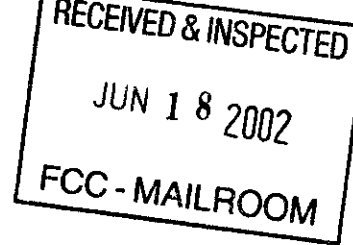
Washington, DC 20510

Patricia N. McCausland

**TIME WARNER CABLE**

290 Harbor Drive

Stamford, CT 06902-7441



## C E R T I F I C A T I O N

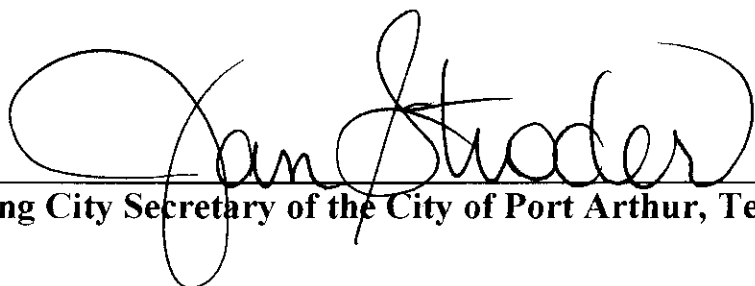
THE STATE OF TEXAS ()

COUNTY OF JEFFERSON ()

I, Jan Stroder, Acting City Secretary of the City of Port Arthur, Texas, hereby certify that the attached is a full, true, and correct copy of Resolution No. 02-132 as the same appears of record in my office in the City Hall at Port Arthur, Texas; and that I am the lawful possessor and custodian of said Resolution.

WITNESS MY HAND AND SEAL of office at my office in Port Arthur, this the 1st day of May, 2002.

(SEAL)

  
\_\_\_\_\_  
Acting City Secretary of the City of Port Arthur, Texas

RESOLUTION NO. 02-132

A RESOLUTION PROTESTING THE FAILURE OF TIME WARNER TO PAY FRANCHISE FEES ON ROADRUNNER SERVICES AND AUTHORIZING THE CITY ATTORNEY TO FILE COMMENTS WITH THE FEDERAL COMMUNICATIONS COMMISSION.

WHEREAS, the Federal Communications Communication has issued a ruling that Internet services, i.e. Roadrunner Services, are not part of cable services that are subject to a franchise fee; and

WHEREAS, this opinion is only preliminary ; and

WHEREAS, Time Warner has inappropriately refused to pay franchise fees on Roadrunner Services in violation of the franchise agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the City believes that Roadrunner and Internet Services are and should be a part of the cable services that should be subject to a franchise fee.

**Section 3.** That if Time Warner is able to avoid paying franchise fees on internet services, then they will be able to use a portion of the public streets, right-of-ways and easements for theses services without paying for the usage thereof.

**Section 4.** That since Time Warner combines the Roadrunner Service with the pricing on other cable services, it could lead to the possible avoidance of the payment of franchise fees on the other cable services.

**Section 5.** That the City of Port Arthur authorizes the City Attorney to file this Resolution with the Federal Communications Commission regarding Time Warner's refusal to pay franchise fees on Roadrunner Services.

**Section 6.** That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

**READ, ADOPTED AND APPROVED** on this 30<sup>th</sup> day of April, A.D., 2002, at a Regular Meeting of the City Council of the City of Port Arthur, Texas, by the following

vote: AYES: Mayor Ortiz,  
Councilmembers Barker, Hannah, Henderson,  
Gillam, Bowers, Chaisson and Allen.

NOES: None.

Osman S. Ortiz  
MAYOR

**ATTEST:**

Jan Stader  
ACTING CITY SECRETARY

**APPROVED AS TO FORM:**

Mark Solomon  
CITY ATTORNEY

**APPROVED FOR ADMINISTRATION:**

St. [Signature]  
CITY MANAGER